

REMARKS

Claims 10-14, 28, 31, and 36-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ganz et al. (USPN 6,584,080).

Claims 15-17, 19, 29, 30, 32-35, 41-43, 45, and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ganz et al. (USPN 6,584,080) as applied to claims 10, 28, 31, and 36 and further in view of Lewis et al. (USPN 6,009,099).

Claims 20-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ganz et al. (USPN 6,584,080) in view of Fluss (USPN 6,304,578).

Claims 10-14, 20-28 and 36-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss (USPN 6,304,578) in view of Gulliford et al. (USPN 6,366,584).

Claims 15-17, 19, 29, 30, 41-43, 45 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss (USPN 6,304,578) in view of Gulliford et al. (USPN 6,366,584) as applied to claims 10, 28, 31, and 36 and further in view of Lewis et al. (USPN 6,009,099).

Claims 18 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss (USPN 6,304,578) in view of Gulliford et al. (USPN 6,366,584) and further in view of Lewis et al. (USPN 6,009,099) as applied to claims 15 and 41 and further in view of T.T. Lee “Non-blocking Copy Networks for Multicast Packet Switching,” Digital Communications, Mapping New Applications onto New Technologies, 1988 International Zurich Seminar on 8010 March 1988, pp. 221-229.

Claim 31 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss (USPN 6,304,578), in view of Gallagher (USPN 7,016,308), in further view of Gulliford et al. (USPN 6,366,584).

Claims 32-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss (USPN 6,304,578), in view of Gallagher (USPN 7,016,308), in further view of Gulliford et al. (USPN 6,366,584) as applied to claims 15 and 41, and further in view of Lewis et al. (USPN 6,009,099).

Claims 1-9 were cancelled in a previous office action. With this amendment, claims 10-46 have also been cancelled. Claims 47-67 have been added herein and are presently pending. In light of the amendments and remarks contained herein, reconsideration and further examination is respectfully requested.

Notice of Abandonment and Petition to Revive

On December 18, 2008 Applicant received a notice of abandonment for failure to timely respond to the April 4, 2008 office action. Upon receipt of the notice of abandonment, the undersigned counsel began preparing the response to the outstanding office action. Submitted herewith is a petition for revival of an application for patent abandoned unintentionally under 37 C.F.R. 1.137(b) along with the requisite petition fee. Applicant respectfully requests that the petition be granted, that the enclosed response be considered and that pending claims 47-67 be allowed.

New Claims

Previously presented claims 10-46 have been cancelled and replaced with new claims 47-67. It is submitted that new claims 47-67 more particularly point out aspects of the present invention that better distinguish the claims over the prior art of record. Each of the independent claims 47, 58, and 62 are directed toward an information delivery system and/or method for the delivery of high-bandwidth information (e.g. video data) through a distributed network and by utilizing *more than one optical format* for the delivery of the data or information. For example,

claim 47 specifies, *inter alia*, “a host digital terminal distribution center for converting the high-speed packetized information to a *first optical format*” and an “optical network unit in communication with the distributed routing network and adapted to convert the packetized information *from the first optical format to a second optical format.*” While the claims are not necessarily limited to any specific implementation, in practice, this allows the distribution of large volumes of data, such as that present in the distribution of video, through a hybrid communication path, and takes advantage of legacy type systems that may be present in legacy telecommunication delivery networks.

In one example, the first portion of the distribution path might comprise a fiber optic network extending from the distribution center to an intermediate point between the subscriber and the distribution center. A second portion of the distribution path might comprise another type of transmission medium, such as copper wire, coaxial cable or another legacy medium found in the last mile of many data distribution systems up to and including many homes and other subscriber locations. The presently presented claims recognize that the optical format for each of these points in the distribution network are varied and takes advantage of an “optical network unit” in order to “*convert the packetized information from the first optical format to a second optical format.*” Each of independent claims 47, 58 and 62 contain similar limitations and are similarly distinguishable over the prior art of record.

Claim Rejections 35 USC § 102 and 103

The only reference relied upon to support the Examiner’s rejections under 35 USC § 102 is Ganz et al. (USPN 6,584,080). All other rejections are based on one or more combinations of prior art under 35 USC § 103. Based on the amendments made to the pending claims, Applicant submits that the rejections based on Ganz, alone or in combination with the other references, are

now moot. The rejections under § 103 are also rendered moot by the presently presented claims. Ganz is directed specifically to radio communications repeaters used to access a common geographically distributed radio channel. Ganz does not describe the distribution of high-bandwidth data, such as video, through a network that converts the video data into a first optical format and from the first optical format to a second optical format for distribution to a subscriber. The Ganz system essentially contains the following elements: a host radio station, a plurality of wireless repeaters and an end user in communication with the distribution network formed by the host radio station and the plurality of wireless repeaters. Other aspects of Ganz relate specifically to the communications protocols used in the delivery of data over the distribution network and how the data might be routed through a particular set of repeaters.

While aspects of the presently presented claims might utilize in some embodiments, a distributive routing network such as described in Ganz, the optical delivery and conversion systems and methods described in the present claims are not contemplated by Ganz. In fact, the Examiner has already conceded that Ganz does not describe the optical conversion aspects contemplated herein:

Ganz does not expressly disclose that the HDT converts the high-speed information packets to an optical format. April 4, 2008 office action at p. 14.

Likewise, the other prior art cited by the Examiner does not describe in any way, alone or in combination, the specific aspects of utilizing a host digital terminal distribution center for “*converting the high-speed packetized information to a first optical format*” and an optical network unit in communication with the distributed routing network and adapted to “*convert the packetized information from the first optical format to a second optical format.*”

For example, Fluss (USPN 6,304,578), is, like Ganz, directed toward an information packet routing scheme such that one or more routers queue the data packets, and assigns high

transmittal priority to data packets addressed to users who have more recently received a previous data packet. In essence, Fluss is a prioritization system that recognizes which user might demand priority in accessing a particular network data resource. And while the examiner has previously relied on Fluss for the proposition that it discloses the conversion of data packets to an optical format for distribution over a high-transmission capacity optical network, Fluss only contemplates that this high-capacity network is extended all the way to an end user. Fluss does not describe a system where the information packets are converted from a first optical format to a second optical format, such that the distribution system can take advantage of existing data distribution systems already in place within the “last mile” to a subscriber unit. Similarly, none of Lewis, Gulliford, Gallagher or the T.T. Lee article describe the specific combination that is embodied by the presently presented claims.

Claims 48-57, 59-61 and 63-67 are dependent upon independent claims 47, 58 and 62 and are likewise in condition for allowance.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Craig A. Neugeboren, Applicants' Attorney at 720-536-4900 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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/Craig Neugeboren/

Date

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